

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

January 16, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JANUARY 16, 2015, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This Council meeting of January 16, shall come to order. And to begin, I would have the Clerk call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, DONALD G. COUCH JR., G. RIKI HOKAMA, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS ELEANORA COCHRAN AND S. STACY CRIVELLO.

(Councilmember Cochran was not present when the roll was called; however, she arrived at 9:01 a.m.)

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, seven Members present, two Members are excused. A quorum is present to conduct the business of the Council.

(Councilmember Cochran arrived at the meeting at 9:01 a.m.)

CHAIR WHITE: Thank you. I'd like to note the presence of Ms. Cochran. Good morning.

COUNCILMEMBER COCHRAN: Thank you very much, Chair.

CHAIR WHITE: And this morning we have for our opening remarks, Council Vice-Chair Don Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

OPENING REMARKS

The opening remarks were offered by Vice-Chair Donald S. Guzman.

CHAIR WHITE: Thank you. Very nice remarks, Vice-Chair.

Will everyone please rise and join me in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you and before we proceed, I would like to ask all of the folks in the chambers to please turn off your cell phones and other noise making devices.

And Mr. Clerk, please proceed.

COUNTY CLERK: Mr. Chair, moving on with presentations of testimony on agenda items. We have established limited telephone communications that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located out the eighth floor lobby door just outside the chamber. Testimony on all locations is limited to the items listed on today's agenda.

And pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. When testifying, please state your name and the name of any organization that you represent.

And Mr. Chair, for the Members information, the Hana Office is closed today.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

COUNTY CLERK: Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, we have five individuals who have signed up to testify in the Council chamber. The first person to testify in the chamber is Marilyn Colvin, who will be testifying on agenda item, Bill No. 91 (2014), to be followed by Dennis Morihiro.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. MARILYN COLVIN [testifying on Bill No. 91 (2014)]:

I haven't smiled in four years, but I'm smiling today because what my remarks will be about is to thank you Council, and the departments, and the staff and everyone, and the Chair who have worked and helped us to make four monkey pod trees in Kihei "exceptional trees". And so I will stay on time and I have my own timer today, since I don't understand this one.

But my name is Marilyn Colvin, I'm here representing myself. I'm a resident of Kihei for 25 years. This is to thank the Members of the Council, members of the staff and departments, and Chair White and anyone in the gallery. This is to thank you for the colossal gift of exceptional trees in South Maui. And in, it is a colossal gift in every sense of the word. We thank you.

Our citizens, our keiki, our animals, the bees, the birds, I could go on, the pedestrians, bike riders, our pilots who will admire these trees from above, and those of us who will see the trees from below. And . . . people, and tourist too will be there to see them and to rest beneath them.

And let me not forget to mention the positive impact of the trees and what they provide to the environment. Wind protection, rain and water and coolness, these are the gifts the tree will give back. So, so many living creatures, so many benefits to life. No time to name them all.

Kihei's first exceptional trees and Maui's first stand of trees. What a monumental day. Thank you, Maui County. Thank you, Council. Mahalo nui loa to all.

CHAIR WHITE: Thank you, Ms. Colvin. Is there any need for her testimony to be clarified? Seeing none, thank you for coming today.

Mr. Clerk.

COUNTY CLERK: The next individual to testify is Dennis Morihiro, testifying on Bill No. 91 (2014), to be followed by Kimberly Thayer.

MR. DENNIS MORIHIRO [testifying on Bill No. 91 (2014)]:

Good morning, everyone. My name is Dennis Morihiro, I was born and raised on Maui. I'm 74 years old. The application form designating trees and stands of trees does not list all the reasons why trees are exceptional to me. Whether they were nominated as individual or as stands, two words stand out in the nomination: beauty and age. Beauty because they are the best examples of what their specie should look like. Age because of the years it took to attain that statue. They are representative of what was and is.

The chosen specimens are a draw to the community they are located in. The trees nominated, excuse me, awaiting to be accepted are in Kihei, they are quietly and naturally keeping Maui No Ka Oi. Please vote yes, they are our natural partners. Thank you for supporting these trees in the first reading. Thank you.

CHAIR WHITE: Thank you, Mr. Morihiro. Is there any need for clarification of the testimony, Members? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: The next testifier is Kimberly Thayer, testifying on Bill Nos. 88, 89, 90, 91, 92, 93, 94, followed by Courtney Shuster.

MS. KIMBERLY THAYER [testifying on Bill Nos. 88 (2014), 89 (2014), 90 (2014), 91 (2014), 92 (2014), 93 (2014), and 94 (2014)]:

Good morning, Councilmembers, Council Chair.

CHAIR WHITE: Good morning.

MS. THAYER: Thanks for the opportunity to testify. And thanks for bringing the trees this far. So I'm here to testify in support of all the proposed amendments to the County exceptional tree list. We all know that Maui is revered for its natural beauty, for its natural resources and all of this together makes it an awesome place to live. And it's the exceptional tree program that highlights the historical, aesthetic, economic, cultural, and ecological value of all of our trees.

So our committee members and supporting members of the public have spent many, many hours visiting these trees, researching them, finding out the stories behind them, evaluating their health, their livelihood and the value to the community. So we are hopeful that you will, you will acknowledge all of these efforts that have gone into this, the nominations before you today and recognize the value of these trees for the residents of our County, for visitors, and then for future generations who will hopefully be able to enjoy these trees when they grow up too.

So our committee has resolved this year to add many more trees to the exceptional tree list and we hope that the nominations before you today will pave the way for those to be added as well. So, in closing, many thanks for your consideration.

CHAIR WHITE: Thank you, Ms. Thayer. Members, any need for clarification? Seeing none, thank you for being here today.

Mr. Clerk.

COUNTY CLERK: The next testifier is Courtney Shuster, testifying on Bill Nos. 88, 89, 90, 91, 92, 93, and 94, to be followed by Rosemary Robbins.

MS. COURTNEY SHUSTER [testifying on Bill Nos. 88 (2014), 89 (2014), 90 (2014), 91 (2014), 92 (2014), 93 (2014), and 94 (2014)]:

Good morning. I'm Courtney Shuster. I'm here with just my daughter today to support the community in its nomination of trees in Kihei, Maui County for exceptional tree status. I support this nomination because these trees and all they provide, wind abatement, shade, wildlife refuge, landscape aesthetic enhancement, is what, is what makes places on Maui like Wailea and Makena, and even Wailuku, places tourists and locals alike want to visit and live.

As for issues pertaining to trees affecting the roadway in the future, I feel that since the community came forward with this nomination, saving these trees is of greater importance to the community than whatever problems could arise. Thank you.

CHAIR WHITE: Thank you, Ms. Shuster. Members, any need for clarification of her testimony? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: The next testifier is Rosemary Robbins, testifying on County Communication 15-29.

MS. ROSEMARY ROBBINS (testifying on County Communication No. 15-29):

Good morning, everybody. Happy New Year. I too am a tree appreciator, still a Girl Scout and I appreciate the testimony that you folks all gave. Another element of concerned citizens in our community, it's wonderful.

I am here to talk this morning on item 15-29. We have on our agenda today, it's a five day, five page agenda with 34 items and those items include communications from the Mayor, and from the directors that the Mayor has appointed, and from the County Council, as well as the concerned citizens that are here.

So I would ask the folks who have this agenda and the item of 15-29, to turn to that because it's, it's pretty involved. I'd like to just read this from the document itself. It's a proposed bill authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement with the Honolulu Board of Water Supply. This was written by the Director of our Department of Water Supply in December, we're talking about an eleventh hour pressure point here. From, in December that went to the Mayor's Office, it then was received at the Office of the County Clerk on Christmas Eve afternoon. And, the extent of this is telling us that there is an attachment, and you've got that with you. It's a draft bill entitled what I had just said and it involves the Honolulu Board of Supply [sic]. The purpose of this bill is to renew the Memorandum of Agreement for billing of water service charges that the City and County of Honolulu, Board of Water Supply provides for the Department of Water Supply here on Maui.

And reading again from this document I'm vocalizing, "By way of background, the Board of Water Supply in Honolulu since 1977 provided customer information and billing services to both the Department of Water Supply on Maui as well as Kauai." And then there was some disparity between them and our other two counties and yet

the water, the Department of Water Supply here knew that that's been going on since '77, the agreement ran out and then.

Did that go to yellow?

COUNTY CLERK: Three minutes.

MS. ROBBINS: So over.

COUNTY CLERK: Three minutes.

MS. ROBBINS: I'm saying is, so can't go on.

COUNTY CLERK: Mr. Chair.

CHAIR WHITE: You can, you can have one minute to conclude.

MS. ROBBINS: Thank you. And so we're ending up with being pressured at the last minute for information that was known since '77 and that the Board of Water Supply in Honolulu wrote that it no longer wanted to deal with us. Something is terribly wrong with this so I ask you please consider not ramming that through on the last timeframe. We can do better and we must. Thank you.

CHAIR WHITE: Thank you, Ms. Robbins. Any need for clarification of the testimony, Members? Seeing none, thank you very much for being here, Ms. Robbins.

MS. ROBBINS: You're welcome. And this is the word from the Maui News this morning that says take time with merger.

CHAIR WHITE: Thank you.

MS. ROBBINS: Aloha.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council Chamber. If there is any additional individuals in the Council chamber or at the District Offices that would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office phone at this time.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There is no one here on Molokai waiting to testify.

COUNTY CLERK: Mr. Chair, there is no additional individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you. Mr. Clerk has any written testimony been received.

COUNTY CLERK: Mr. Chair, we have received written testimony.

CHAIR WHITE: Members, is there any objection to have this come into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Raymond Kahookele and John Blumer-Buell;
2. Christel and John Blumer-Buell;
3. Maui Green & Beautiful;
4. Pat Bily;
5. Nahiku Community Association;
6. Claudia Kalaola;
7. Mary Trotto;
8. Pamela Tumpap, Maui Chamber of Commerce; and
9. Business Owners and/or Managers of Maui Dive & Surf,
Island Cream Co., Galan Sports Chiropractic, Mini-Medical,
and Vitamin Shoppe.

CHAIR WHITE: And being that there's no further testimony, without objections, we'll close public testimony at this time.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Public testimony is closed.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of November 21, 2014, were presented at this time.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO APPROVE THE MINUTES FOR THE REGULAR
MEETING OF NOVEMBER 21, 2014.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: It's been moved by Vice-Chair Guzman and seconded by Mr. Victorino to approve the minutes of November 21. Any further discussion?

Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes", and one Member "excused" Member Crivello.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 15-7 - JOHN D. KIM, PROSECUTING ATTORNEY,
(dated December 11, 2014)

Transmitting a copy of a grant award letter from the Department of the Attorney General, State of Hawaii, for the Special Needs Advocacy Project in the amount of \$285,252.00.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Recess.

CHAIR WHITE: Recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:25 A.M., AND WAS RECONVENED AT 9:33 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER CRIVELLO, EXCUSED.)

CHAIR WHITE: Council meeting shall come back to order.

And we'll be proceeding. Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE COUNTY COMMUNICATION
15-7.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Been moved by Member Hokama and seconded by Member Victorino, to file County Communication 15-7.

Any discussion, Members. Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes", one "excused".

Mr. Clerk.

NO. 15-8 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated December 15, 2014)

Reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of November 30, 2014.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would prefer this be referred to Committee.

CHAIR WHITE: Are there any objections to referral?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Seeing no objections, so ordered.

Mr. Clerk.

County Communication No. 15-8 was referred to the Budget and Finance Committee.

NO. 15-9 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated January 5, 2015)

Transmitting the annual report on new utility poles approved for installation by the Director of Public Works for calendar year 2014.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. I believe, can I take one quick recess.

CHAIR WHITE: Sure. One-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:35 A.M., AND WAS RECONVENED AT 9:36 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER CRIVELLO, EXCUSED.)

CHAIR WHITE: Council meeting shall come back to order.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Looking over this, it doesn't seem to be anything hugely controversial or needed for further discussion during a committee.

SO I, WOULD WITH NO OBJECTIONS, I'D LIKE TO FILE
COUNTY COMMUNICATION 15-9.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Is, a motion to file County Communication 15-9 by Ms. Cochran, with a second by Mr. Couch.

Any discussion. Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes", one "excused".

Mr. Clerk.

NO. 15-10 - KEITH A. REGAN, ACTING MAYOR,
(dated December 30, 2014)

In accordance with Section 12.24A.030, Maui County Code, informing of the appointment of Heather Heath (replacing Kalani Ho-Nikaido) to the Maui County Arborist Committee.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr. Chair, this may be the day of recesses, but I'm going to ask for a quick recess also.

CHAIR WHITE: One-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:37 A.M., AND WAS RECONVENED AT 9:38 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER CRIVELLO, EXCUSED.)

CHAIR WHITE: The Council meeting shall come back to order. I haven't had this much recess since second grade.

COUNCILMEMBER VICTORINO: And more to come maybe.

CHAIR WHITE: And more to come.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION 15-10,
INFORMING OF THE APPOINTMENT OF HEATHER HEATH
TO THE MAUI COUNTY ARBORIST COMMITTEE.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: It's been moved by Mr. Victorino and seconded by Mr. Couch to file County Communication 15-10.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, and just to inform the public, this is one of those appointments that doesn't need Council review, but it was brought forward just as a method of letting the public know the, of the replacement. We'd like to say thank you to Kalani Ho-Nikaido, for their services and to welcome Heather Heath and, you know, considering what we're going to do today, I hope she's watching. Thank you very much, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion. Seeing none, all those in favor signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes", one "excused".

Mr. Clerk.

NO. 15-11 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated January 7, 2015)

Transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2014.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA:

MR. CHAIR, I WOULD LIKE TO REQUEST, MOVE THAT WE
FILE THIS REPORT.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: Okay, it's been moved by Member Baisa to file County Communication
15-11 and it's been seconded by Mr. Victorino.

Any further discussion?

COUNCILMEMBER BAISA: No, Mr. Chair. This is a monthly report that we receive and it
really does not merit any further discussion so normally we file it unless of course
there would be one that is exceptional. So recommendation is to file.

CHAIR WHITE: Thank you. Any further discussion, Members. Seeing none, all those in
favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

NO. 15-12 - MIKE WHITE, COUNCIL CHAIR,
(dated January 9, 2015)

Relating to Council Member's report on the West Maui Taxpayers Association annual
meeting, held on January 8, 2015, at the Lahaina Civic Center.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

AND I MOVE TO FILE COUNTY COMMUNICATION 15-12.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: Been moved by Ms. Cochran and seconded by Mr. Victorino.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

Councilmembers Bob Carroll, Don Couch, and myself attended the annual meeting of the West Maui Taxpayers Association on January 8, 2015 at the Lahaina Civic Center. And I am making this report pursuant to Sunshine Law, specifically Section 92-2.5(e) of the Hawaii Revised Statutes.

State Senator Roz Baker, State Representative Angus McKelvey, Mayor Alan Arakawa and I provided brief opening remarks. Brian Hoyle of Newport Hospital Corporation and the West Maui Hospital Foundation; Wesley Lo of the Maui Memorial Medical Center; and Stanford Carr, President of Stanford Carr Development were guest speakers at the meeting also.

A quorum of the Council was not present and the West Maui Taxpayer meeting was not specifically and exclusively organized for or directed towards Councilmembers, but the, and was the, but it was annual association's business meeting so no commitments were related to a vote on any Council business and we were neither sought or made during this meeting.

So with that Chair, that concludes my report.

CHAIR WHITE: Thank you. Members, any other discussion on this matter. Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes" and zero "noes".

Mr. Clerk.

NO. 15-13 - MIKE WHITE, COUNCIL CHAIR,
(dated January 9, 2015)

Transmitting a proposed resolution entitled "RESCHEDULING THE COUNCIL'S
FEBRUARY 20, 2015 MEETING".

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENTS OF COMMITTEE
REFERRAL AND REPORT FOR THE PROPOSED
RESOLUTION ATTACHED TO COUNTY COMMUNICATION
15-13, ENTITLED "RESCHEDULING THE COUNCIL'S
FEBRUARY 20, 2015 MEETING" AS PROVIDED IN RULE 7(E)
OF THE RULES OF THE COUNCIL.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Been moved by Vice-Chair Guzman and seconded by Member Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I believe the waiver of the committee referral and report is appropriate for this proposed resolution because I believe that the, a lot of, or several of our Members will be attending the NACO Conference in February and rescheduling is appropriate at this time. Thank you.

CHAIR WHITE: Thank you. Is there any further discussion on this item. So we're voting on just the waiver. All those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes", or the waiver passes, eight "ayes", zero "noes".

Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE THAT THE PROPOSED RESOLUTION BE ADOPTED
AND THE COUNTY COMMUNICATION 15-13 BE FILED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Okay, it's been moved by Mr. Guzman and seconded by Mr. Victorino to adopt the resolution and file the County Communication 15-13.

Any further discussion?

VICE-CHAIR GUZMAN: Nothing further.

CHAIR WHITE: Any other discussion, Members. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

NO. 15-14 - MIKE WHITE, COUNCIL CHAIR,
(dated January 7, 2015)

Relating to matters from the 2013-2015 Council term that were referred to the Council Chair for the 2015-2017 term at the Council meetings of December 5, 2014, and December 19, 2014.

COUNTY COMMUNICATIONS:

NO. 14-291 - DANILO F. AGSALOG, DIRECTOR OF FINANCE, transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2014 to June 30, 2015 as of September 30, 2014 and the Capital Improvement Project Report as of September 30, 2014.

County Communication No. 14-291 was referred to the Budget and Finance Committee.

NO. 14-292 - TEENA A. RASMUSSEN, ECONOMIC DEVELOPMENT DIRECTOR, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE OF COUNTY REAL PROPERTY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF ELECTRIC VEHICLE QUICK CHARGERS AND LOCAL BATTERY UNITS".

County Communication No. 14-292 was referred to the Economic Development, Energy, Agriculture and Recreation Committee.

NO. 14-293 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF NON-EXCLUSIVE EASEMENTS FOR PRIVATE WATERLINE PURPOSES TO HALEAKALA RANCH COMPANY, KAONOULU RANCH LLLP, AND MAUI LAND & PINEAPPLE COMPANY INC.".

County Communication No. 14-293 was referred to the Infrastructure and Environmental Management Committee.

NO. 14-294 - G. RIKI HOKAMA, COUNCILMEMBER, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.20, MAUI COUNTY CODE, TO REQUIRE COUNCIL APPROVAL OF INTERGOVERNMENTAL AGREEMENTS".

County Communication No. 14-294 was referred to the Policy and Intergovernmental Affairs Committee.

NO. 14-304 - SANANDA K. BAZ, BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (BANDFIELD CHARITABLE TRUST)".

County Communication No. 14-304 was referred to the Budget and Finance Committee.

NO. 14-305 - SANANDA K. BAZ, BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE (KALO PROGRAM)".

County Communication No. 14-305 was referred to the Budget and Finance Committee.

NO. 14-306 - SANANDA K. BAZ, BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE ADMINISTRATION PROGRAM – SOLID WASTE MANAGEMENT FUND, SOLID WASTE OPERATIONS PROGRAM – SOLID WASTE MANAGEMENT FUND; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".

County Communication No. 14-306 was referred to the Budget and Finance Committee.

NO. 14-307 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE PEAHI HUI LAND SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

County Communication No. 14-307 was referred to the Infrastructure and Environmental Management Committee.

NO. 14-308 - ROBERT CARROLL, COUNCIL VICE-CHAIR, regarding health and safety concerns relating to the Lower Nahiku Bridge.

County Communication No. 14-308 was referred to the Infrastructure and Environmental Management Committee.

NO. 14-309 - ROBERT CARROLL, COUNCIL VICE-CHAIR, relating to the proposed Nahiku Community Center.

County Communication No. 14-309 was referred to the Economic Development, Energy, Agriculture and Recreation Committee.

NO. 14-310 - ELLE K. COCHRAN, COUNCILMEMBER, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO COMPOSTING".

County Communication No. 14-310 was referred to the Planning Committee.

NO. 14-311 - WILLIAM SPENCE, PLANNING DIRECTOR, relating to an application submitted by Maui R&T Partners, Inc., transmitting copies of documents and three proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2641 (1998), KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP, FROM PROJECT DISTRICT 6 (R & T PARK), PUBLIC/QUASI-PUBLIC, AND AGRICULTURE TO MAUI RESEARCH & TECHNOLOGY PARK FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII";
2. "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A NEW CHAPTER 19.38, MAUI COUNTY CODE, FOR MAUI RESEARCH & TECHNOLOGY PARK SITUATED IN KIHEI, MAUI, HAWAII"; and
3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM KIHEI RESEARCH AND TECHNOLOGY PARK DISTRICT AND AGRICULTURAL DISTRICT TO MAUI RESEARCH & TECHNOLOGY PARK DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII".

County Communication No. 14-311 was referred to the Land Use Committee.

NO. 14-312 - WILLIAM SPENCE, PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.27, MAUI COUNTY CODE, AND REPEALING CHAPTER 19.615 RELATING TO PARK DISTRICTS" and minutes of the Maui, Molokai and Lanai Planning Commissions.

County Communication No. 14-312 was referred to the Planning Committee.

NO. 14-313 - ROBERT CARROLL, COUNCIL VICE-CHAIR, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, ALLOWING THE COUNCIL TO INITIATE REMOVAL OF THE CORPORATION COUNSEL".

County Communication No. 14-312 was referred to the Policy and Intergovernmental Affairs Committee.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you.

WITHOUT OBJECTIONS, I RECOMMEND REFERRAL AS STATED BY THE COUNTY CLERK.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR

VICE-CHAIR GUZMAN:

AND THE FILING OF COUNTY COMMUNICATION NO. 15-14.

CHAIR WHITE: I'm assuming the second applies to that as well.

COUNCILMEMBER VICTORINO:

SECOND.

CHAIR WHITE: Thank you. Items as read by the Clerk are recommended for referral. Does that require a, a vote, or can that just be considered. Okay.

VICE-CHAIR GUZMAN: I'll restate it.

CHAIR WHITE: Been moved to refer these items as read by the Clerk and by Vice-Chair Guzman and seconded by Mr. Victorino.

Any discussion?

COUNCILMEMBER COUCH: Recess, please.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:48 A.M., AND WAS RECONVENED AT 9:49 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBER CRIVELLO, EXCUSED.)

CHAIR WHITE: The Council meeting shall come back to order. And we are in discussion. Any further discussion on the referrals. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following County Communications are recommended for referral to the following Committees as noted.

NO. 15-15 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated December 23, 2014)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".

The recommended action is that County Communication No. 15-15 be referred to the Budget and Finance Committee.

NO. 15-16 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated December 9, 2014)

Transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT FOR UNDERGROUND PRIVATE WATERLINE PURPOSES TO MAUI LAND & PINEAPPLE COMPANY, INC.".

The recommended action is that County Communication No. 15-16 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-17 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated December 30, 2014)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE IMPLEMENTATION OF COUNTY FEDERAL-AID HIGHWAY PROJECTS AND PROGRAMS, AND TO INDEMNIFY THE STATE OF HAWAII UNDER CERTAIN LIMITED CIRCUMSTANCES".

The recommended action is that County Communication No. 15-17 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-18 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated December 31, 2014)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING STANDARDS".

The recommended action is that County Communication No. 15-18 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-19 - MIKE WHITE, COUNCIL CHAIR,
(dated January 9, 2015)

Relating to the review and enforcement of Chapter 16.13, Maui County Code, Commercial Signs.

The recommended action is that County Communication No. 15-19 be referred to the Infrastructure and Environmental Management Committee.

*(COUNTY COMMUNICATION NO. 15-19 WAS LATER
REFERRED TO THE PLANNING COMMITTEE. See pages 29
and 30.)*

NO. 15-20 - DON S. GUZMAN, COUNCIL MEMBER,
(dated January 9, 2015)

Relating to a proposed leach field at Kapueokahi Bay.

The recommended action is that County Communication No. 15-20 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-21 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated December 16, 2014)

Relating to an application submitted by Krausz Companies Inc., transmitting copies of documents and two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2641 (1998), THE KIHAI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL (B) TO HOTEL (H) FOR TAX MAP KEY NUMBER (2) 3-9-002:030 (POR.), AND TO ALLOW A HEIGHT LIMIT OF SIXTY (60) FEET ON A PORTION OF TAX MAP KEY NUMBER (2) 3-9-002:076, KIHAI, MAUI, HAWAII, FOR THE PROPOSED DOWNTOWN KIHAI PROJECT"; and
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL TO H-M HOTEL DISTRICT, FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT, FROM R-3 RESIDENTIAL DISTRICT TO OS-1 OPEN SPACE DISTRICT, FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT,

FROM R-3 RESIDENTIAL TO OS-1 OPEN SPACE DISTRICT, FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR TAX MAP KEY NUMBERS (2) 3-9-002:030, (2) 3-9-002:076, (2) 3-9-002:080, AND (2) 3-9-002:158, FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, FOR THE PROPOSED DOWNTOWN KIHEI PROJECT".

The recommended action is that County Communication No. 15-21 be referred to the Land Use Committee.

NO. 15-22 - ALAN M. ARAKAWA, MAYOR,
(dated December 18, 2014)

Transmitting a draft resolution entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL" submitting the nomination of Diana DeLouise (replacing Dorothy Buck) to the Affirmative Action Advisory Council.

The recommended action is that County Communication No. 15-22 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-23 - ALAN M. ARAKAWA, MAYOR,
(dated December 23, 2014)

Transmitting a draft resolution entitled "APPOINTMENT OF A MEMBER TO THE PUBLIC WORKS COMMISSION FOR TERM ENDING ON MARCH 31, 2019" submitting the nomination of Cynthia Santiago (replacing June Davis) to the Public Works Commission.

The recommended action is that County Communication No. 15-23 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-24 - ALAN M. ARAKAWA, MAYOR,
(dated December 23, 2014)

Transmitting a draft resolution entitled "APPOINTMENT OF A MEMBER TO THE PUBLIC WORKS COMMISSION FOR TERM ENDING ON MARCH 31, 2016" submitting the nomination of Flordeline Vila (replacing Alan Fernandez) to the Public Works Commission.

The recommended action is that County Communication No. 15-24 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-25 - KEITH A. REGAN, ACTING MAYOR,
(dated December 31, 2014)

Transmitting a draft resolution entitled "APPOINTMENT OF A MEMBER TO THE COUNCIL ON AGING" submitting the nomination of Valerie Janikowski (replacing Garrett Toma) to the Council on Aging.

The recommended action is that County Communication No. 15-25 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-26 - ALAN M. ARAKAWA, MAYOR,
(dated January 2, 2015)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL".

The recommended action is that County Communication No. 15-26 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-27 - ALAN M. ARAKAWA, MAYOR,
(dated January 2, 2015)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF JOHN D. KIM AS THE PROSECUTING ATTORNEY".

The recommended action is that County Communication No. 15-27 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-28 - ALAN M. ARAKAWA, MAYOR,
(dated January 2, 2015)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF DAVID TAYLOR AS THE DIRECTOR OF THE DEPARTMENT OF WATER SUPPLY".

The recommended action is that County Communication No. 15-28 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-29 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated December 18, 2014)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HONOLULU BOARD OF WATER SUPPLY".

The recommended action is that County Communication No. 15-29 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-30 - BRUCE ERFER, CHAIR, BOARD OF REVIEW,
(dated December 31, 2014)

Transmitting a copy of the 2014 Annual Report of the Real Property Assessment Division, Board of Review.

The recommended action is that County Communication No. 15-30 be referred to the Policy and Intergovernmental Affairs Committee.

CHAIR WHITE: Members are there any objections to the referrals as read by the Clerk.

Mr. Couch.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 15-19

COUNCILMEMBER COUCH: Mr. Chair, item No. 15-19. I believe that's normally goes to the Planning Committee because operations of the Department of Planning including the oversight of any grants is administers, is under purview of the Planning Committee. So, and we've done commercial signs before so, just curious as to why IEM.

CHAIR WHITE: Mr. Raatz.

DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Mr. Chair. That, that may have been an oversight. Staff was looking at Title 19 items to go to Planning

Committee and because this is Title 16, it wasn't flagged as a Planning Committee item. But Councilmember Couch, makes a good point about past practice of the Council so if the body chooses, a referral to Planning Committee would not be inappropriate.

CHAIR WHITE: Yea, and the enforcement is done by the Planning Department.

COUNCILMEMBER COUCH: Correct.

CHAIR WHITE: So without objection we will refer that item to the Planning Commission *[sic]*.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. Okay, so ordered.

Members, any further concerns of, regarding the referrals. Seeing none, Clerk, can we proceed.

COUNTY CLERK: Mr. Chair, proceeding with ordinances, for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 87 (2014)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE -
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF PUBLIC WORKS
(MAUI TIMESHARE VENTURE, LLC)

CHAIR WHITE: Mr. Hokama

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILL 87 OF 2014 PASS SECOND
AND FINAL READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: It's been moved by Member Hokama and seconded by Mr. Victorino to pass Bill No. 87.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Any discussion, Members. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes", zero "noes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 88 (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010),
RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING
ITEM M-1, A MORETON BAY FIG LOCATED AT THE OLD BALDWIN MANOR

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. May I also, may I request the Clerk to call up Bill No. 89 and 90 as it pertains to the same related issue of deletion from the exceptional tree list.

CHAIR WHITE: Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 89 (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737
(2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI,
BY DELETING ONE OF THE TWO TRUE KAMANI TREES LISTED IN ITEM M-17

ORDINANCE NO. _____
BILL NO. 90 (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737
(2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI,
BY DELETING ONE OF THE TWO PODOCARPUS TREES LISTED IN ITEM M-21

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN:

CHAIR, I MOVE TO PASS ON SECOND AND FINAL READING
BILLS 88, 89, AND 90.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: It's been moved by Vice-Chair Guzman and seconded by Member Cochran to pass Bills Nos. 88, 89 and 90. Any further discussion?

VICE-CHAIR GUZMAN: Chair, the reason for the deletion as vetted through the committee. These trees, the Morton Bay Fig tree on Old Baldwin Manor, and the True Kamani trees on Lahainaluna High School, as well as the Podocarpus tree in Makawao were damaged and as a result could not be revived and so it needs to be taken off the exceptional list and non, decommissioned as a exceptional tree.

CHAIR WHITE: Thank you. Members, any further discussion of these items.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you. And, obviously deletion is warranted due to the fact that the trees are, are no longer living. But I, I think I stated some points hearing things within the community in regards to the Kamani tree at Lahainaluna High School. And I am continuing to further vet that out to see if it was in fact, you know, not, hopefully not man-made created issues with it. But, until then, because I'd just like to see in the future that we can truly protect these exceptional trees and not have harm come to them and have protection in perpetuity basically. So, thank you very much, Chair, for the comments.

CHAIR WHITE: Thank you. Any further discussion, Members. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes" and zero "noes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 91 (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010),
RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING
A STAND OF FOUR MONKEYPOD TREES LOCATED ON SOUTH KIHEI ROAD

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. May I request the Clerk to also call up Bill No. 92, 93, and 94 as it also pertains to exceptional trees, which will be added and designated as exceptional. May I request the Clerk to call up Bills 92, 93, and 94.

CHAIR WHITE: Yes, so ordered, Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 92 (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737
(2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF
MAUI, BY ADDING AN INDIA RUBBER TREE LOCATED ON BALDWIN AVENUE

ORDINANCE NO. _____
BILL NO. 93 (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO.
3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY
OF MAUI, BY ADDING A BERMUDA JUNIPER LOCATED ON BALDWIN AVENUE

ORDINANCE NO. _____
BILL NO. 94 (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737
(2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF
MAUI, BY ADDING AN OHIA TREE LOCATED IN THE WAIKAMOI PRESERVE

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO PASS ON SECOND AND FINAL READING
BILLS 91, 92, 93, AND 94.

COUNCILMEMBER COCHRAN:

CHAIR, SECOND THE MOTION.

CHAIR WHITE: It's been moved by Vice-Chair Guzman and seconded by Member Cochran
to pass Bills Nos. 91, 92, 93, and 94. Any further discussion?

VICE-CHAIR GUZMAN: Thank you, Chair. The, the, these trees in Bills 91, 92, 93, and 94
were recommended by the Arborist Committee and was vetted through our
EAR Committee. The trees were nominated for inclusion on the, on the exceptional
tree list because of their historical, cultural value, age, rarity, location, size, aesthetic

quality or endemic status as worthy of the preservation pursuant to Section 12.24A.030.C.8. subsection "a" of the Maui County Code. It's my pleasure and honor to respectfully ask the Council for support of each of these recommendations, recommended trees to, to be designated as exceptional. Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion, Members. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes" and zero "noes", one "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 95 (2014)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
GOVERNMENT FACILITIES, COUNTY SERVICE CENTER;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would, with no objections from the Members, I would request the Clerk to also bring up Bill 96, as it pertains to the same project.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered, Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 96 (2014)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4130,
BILL NO. 34 (2014), RELATING TO THE ISSUANCE OF
GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
(COUNTY SERVICE CENTER)

COUNTY CLERK: Mr. Chair, for the record, the totals listed within Bills No. 95 and 96 have been updated since first reading to incorporate budget and bond ordinances passed since the bills were first drafted. The underlying amendments are for the same amounts. Per Rule 19(C)(2), Rules of the Council, final action on these bills can take place at this meeting because the correction of the non-substantive errors were done by the County Clerk after consultation with the Department of the Corporation Counsel, and the non-substantive corrections did not alter the meaning or the effects of the bill.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

SO, CHAIRMAN, IF THERE ARE NO QUESTIONS
REGARDING THE STATUS OF BILLS, I WOULD MOVE THAT
BILL 95 AND 96 OF 2014 PASS SECOND AND FINAL
READING.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Been moved by Member Hokama and seconded by Mr. Victorino to pass Bills Nos. 95 and 96 for 2014. Further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: No discussion, Chairman.

CHAIR WHITE: Members, any other discussion. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, HOKAMA, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes, eight "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. Thank you, Members and thank you to the staff to help us through this multi-recess process and, and with that we are adjourned.

ADJOURNMENT

The regular meeting of January 16, 2015 was adjourned by the Chair at 10:06 a.m.

A handwritten signature in black ink, appearing to read "Dennis A. Mateo", is written over a horizontal line.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII